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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,838	12/10/2001	David W. Brown	P214009	1105

7590 03/25/2005

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EXAMINER

LE, HIEU C

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,838

Applicant(s)

BROWN ET AL.

Examiner

Hieu c. Le

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-5 are objected to under 37 CFR 1.75, although the claims have not been rejected under 112/2nd paragraph, the claim language, while understandable, i.e. the metes and bounds are determinable, the claim language could be improved grammatically as noted below.

Claim 1 read on line 2 "distributed network" which should be changed to --distribution network-- which better matches the function of the network 22 as recited in the specification p. 9, lines 5-14.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. [US. Pat. No. 5,691, 897] in view of Jones et al. al. [U.S. Pat. No. 6,216, 173].

As to claim 1, Brown discloses a method of communicating motion data, the method comprising the steps of:

-connecting a control software system (Fig. 1B, item 35), a content server (Fig. 1B, item 40), and a client browser (Fig. 1A, item 12 & col. 33, lines 45-48) [Fig. 1, shows a user PC 12 linked to a motion control component 35 (control software system) and a server 40 that provides the software interface through which the application program 26 communicates with the motion control component module 35 (col. 10, lines 9-12) (i.e. content server), users PC is a personal computer which contains software system 22 (col. 6, lines 10-14) and conventionally PC's contain browsers such as netscape, the PC has a browser as stated (col. 3, lines 45-48)].

-creating a motion program at the content server [server 40 (content server) provides the software interface through which the application program 26 communicates with the motion control component module 35 (i.e creates motion program) (col. 10, lines 9-12)];

-transferring the motion program from the content server to the control software system (col. 10, lines 9-12).

-generating motion media at the control software system based on the motion program (col. 6, line 62-col. 7, line 2); and

-transmitting the motion media to the client browser to operate a target device associated with the client browser based on the motion media [control commands are sent to user PC 12 which configures or controls the motion of one or more devices (col. 7, lines 47-50, col. 8, lines 11-26)].

Brown does not explicitly disclose that a network connects the control software system, the content server and the client browser.

Jones discloses a method and apparatus for incorporating content processing and content routing intelligence into any type of network, enabling re-use of existing applications and content in a network service, and enabling more efficient use of underlying data networks (col. 9, lines 1-17). The fundamental application unit of the content processing and routing system (CPR) is known as a service. A service performs a particular task or set of tasks and supports a standard set of software interfaces such as link services, application services, content services (col. 10, lines 24-32). The CPR system communicates with external applications via application services specifically designed to transport data between the respective application & CPR (col. 10, lines 65-67). An application service operates as the interface between the CPR system and a third party application such as client. Examples of application service include WWW service which receives request from user's browser (col. 11, lines 32-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Jones's teaching to modify Brown's method by using a content processing and routing system that communicates over a network with external application (software systems), user's browsers and content servers in order to enable re-use of existing applications and content a network and enabling more efficient use of underlying data networks.

As to claim 2, Brown further discloses comprising the steps of:

creating non-motion data at the content server [dialog; images and drawings are generated and displayed (col. 27, line 57-col. 28, line 4) which is non motion data].

combining the non-motion data with motion media at the control software system to obtain enhanced motion media [the dialog boxes are added to the set of motion data that describes the configuration of the driver (col. 29, line 62-col. 30, line 8)]; and

transmitting the enhanced motion media to the client browser [the images, drawings added to the motion data is transmitted users PC and displayed on the display (col. 29, lines 14-20)].

As to claim 3, Jones further discloses comprising the steps of:

storing ratings rules associated with the client browser [attributes detailing service such as transmission requirement, bandwidth are stored in a user's browser (col. 12, lines 38-63)]; and

modifying the motion media based on which the target device operates based on the ratings rules (col. 12, line 65-col. 13, line 4).

As to claim 4, Brown further discloses the motion program is independent of the target device and the step of generating the motion media further comprises the step of converting the motion program into the motion media of a type associated with the target device (col. 6, line 62-col. 7, line 2)..

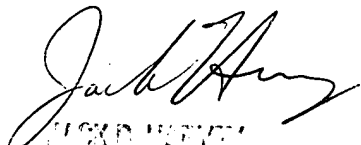
As to claim 5, Brown further discloses the motion program is of a type associated with the target device [the motion program contains logic necessary to move the object (col. 8, lines 14-22)].

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le



JACK HARVEY
SUPERVISOR, EXAMINER GROUP 1